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RUEHFR/AMEMBASSY PARIS PRIORITY 0197
RUEHCI/AMCONSUL KOLKATA PRIORITY 4956
RUEHGV/USMISSION GENEVA PRIORITY 2532
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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000079

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [NO](#) [NP](#)

SUBJECT: NEPAL: OHCHR LOBBYING FOR EXTENSION

REF: A. 09 KATHMANDU 638 AND PREVIOUS

[1](#)B. KATHMANDU 0013

Classified By: Charge d'Affaires, a.i., John M. Ordway 1.4 (b/d).

[1](#)1. (C) Summary: The UN Office of the High Commissioner for Human Rights (OHCHR)-Nepal hopes to extend its current mandate, which ends June 9, for another two years. The National Human Rights Commission, Nepal Army, and some political leaders are unhappy with OHCHR's activist approach and will likely fight its extension. The head of the OHCHR office, Richard Bennett, was recently transferred to Geneva, but will remain as head of the Nepal office at least through March. End Summary.

[1](#)2. (C) During a January 21 meeting, OHCHR head Richard Bennett told ambassadors or representatives from key countries (the U.S., U.K., Norway, Denmark, Switzerland, Finland, France and Germany) that OHCHR hopes to extend its mandate in Nepal, which expires June 9, for another two years. The GON approved last year's mandate extension at the last minute, after intensive diplomatic pressure (ref A). The National Human Rights Commission (which views OHCHR as a rival for funding) and the Nepal Army (which resents OHCHR pressure on conflict-era human rights cases) may object to OHCHR's extension.

[1](#)3. (C) The High Commissioner hopes to use the March 1 high-level segment of the Human Rights Council meetings, which DeputyPM/ForMin Koirala plans to attend, to press for an extension. Under the terms of OHCHR's agreement with the Government of Nepal, the GON should request OHCHR's extension 90 days in advance of the mandate end (i.e., by March 12). Bennett is "not overconfident" that the GON will make the request in March, and acknowledged that securing GON agreement for any mandate extension will be challenging. He hopes that the National Human Rights Commission (NHRC) will "at least stay neutral" on OHCHR's mandate extension, but NHRC is itself divided and relations with OHCHR remain frosty.

Mandate Shift/Benchmarks

[1](#)4. (SBU) Chief Minister Madhav Ghimere suggested to Bennett that OHCHR review their mandate terms, which have not changed

since OHCHR's arrived in 2005, to reflect changed conditions in Nepal. (Note: OHCHR's current mandate is very broad, and includes authority to monitor, investigate, and advise on human rights. End note.) Bennett is open to this idea, but worries that this could lead to limiting OHCHR's mandate to "technical assistance," which would prevent OHCHR from its investigation and public advocacy work. NHRC's ability to investigate independently is limited.

15. (SBU) The Danish Ambassador urged Bennett to develop an exit plan with concrete benchmarks. When Nepal meets these human rights benchmarks, then OHCHR would no longer be needed. This approach would clarify OHCHR's role and signal to Nepalis that OHCHR would not remain indefinitely. Bennett generally agreed with the suggestion, although noted the difficulty of developing clear benchmarks in the area of human rights.

Bennett to Stay at least through March

16. (SBU) Nepal is a top priority for the High Commissioner, Bennett assured the diplomats, despite the decision to transfer Bennett back to Geneva (ref B). Bennett said he would remain as head of the Nepal office at least through March and possibly longer, depending on the mandate extension discussion. Bennett has urged the High Commissioner to advertise his position now, although he said it will be difficult to recruit a senior leader given the uncertainty about OHCHR's future in Nepal.

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Comment

17. (C) Post supports the extension of OHCHR's mandate in Nepal. OHCHR plays an important role tracking current human rights trends, advocating for victims, and pressing for accountability. As Nepal (hopefully) concludes its peace process, OHCHR could be particularly helpful in supporting the Truth and Reconciliation and Disappearances Commissions, once they are created. However, elements of the Nepal Government resent OHCHR, particularly its public advocacy role, and will fight its extension. Like last year, we expect that the fate of OHCHR will be decided just prior to the June 9 mandate end. We support the Danish Ambassador's suggestion to develop an exit plan with concrete benchmarks, which may help OHCHR garner GON support for an extension.
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